

ALEX G. TSE (CABN 152348)  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 16-00440 WHA
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED] ORDER FOR
	)	COMMITMENT TO CUSTODY OF ATTORNEY
v.	)	GENERAL FOR MENTAL COMPETENCY
	)	EVALUATION AND SETTING MENTAL
YEVGENIY ALEXANDROVICH NIKULIN,	)	COMPETENCY HEARING PURSUANT TO 18
	)	U.S.C. §§ 4241 AND 4247.
Defendant.	)	
	)	
	)	

Defendant Yevgeniy Nikulin, represented by Arkady Bukh and Valery Nechay, and the United States, represented by Assistant United States Attorneys Michelle J. Kane and Matthew A. Parrella,  
//

hereby jointly submit the following proposed order as requested by the Court at the October 9, 2018, hearing.

IT IS SO STIPULATED.

DATED: October 10, 2018

Respectfully submitted,

ALEX G. TSE  
United States Attorney

/s/  
MICHELLE J. KANE  
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/s/  
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Counsel for Yevgeniy Alexandrovich  
Nikulin

/s/  
VALERY NECHAY  
Counsel for Yevgeniy Alexandrovich  
Nikulin

### ORDER

On September 4, 2018, the Court granted defendant Nikulin's motion for a hearing to determine his competency to stand trial pursuant to 18 U.S.C. § 4241 and ordered Dr. Alexander Grinberg to conduct an examination of defendant. The Court has previously found, based on the record herein — including defense counsel's declaration and the United States Marshals Service's representations regarding Nikulin's in-custody behavior — that there is reasonable cause to believe that defendant Nikulin "may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(a).

Based on defendant's Status Report, filed October 1, 2018, the Court finds that defendant has refused to participate in the mental competency examination by Dr. Grinberg. Therefore, pursuant to 18 U.S.C. § 4247(b), and with the agreement of defendant at the October 9, 2018, hearing, the Court hereby

1 ORDERS defendant committed for a reasonable period, not to exceed thirty days, to the custody of the  
2 Attorney General for placement in a suitable facility for purposes of an examination pursuant to 18  
3 U.S.C. § 4241(b). The director of the facility may apply for a reasonable extension, not to exceed fifteen  
4 days, upon a showing of good cause that the additional time is necessary to observe and evaluate the  
5 defendant, as provided in 18 U.S.C. § 4247(b). Defendant Nikulin requires the assistance of a Russian  
6 language interpreter.

7 The psychiatric report shall be filed with the Court and copies shall be provided to defense  
8 counsel and counsel for the government. 18 U.S.C. § 4247(c). The psychiatric report shall include the  
9 following information as required by 18 U.S.C. § 4247(c):

- 10 (1) the defendant's history and present symptoms;  
11 (2) a description of the psychiatric, psychological, and medical tests that were employed, and  
12 their results;  
13 (3) the examiner's findings; and  
14 (4) the examiner's opinions as to diagnosis, prognosis, and whether the defendant is suffering  
15 from a mental disease or defect rendering him mentally incompetent to the extent that he is  
16 unable to understand the nature and consequences of the proceedings against him or to assist  
17 properly in his defense.

18 A hearing to determine the mental competency of defendant Nikulin will be held on February 12,  
19 2019, at 2:00 p.m. The examiner's report shall be provided to the Court by February 5, 2019.

20 IT IS SO ORDERED.

21 Dated:

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22 HON. WILLIAM ALSUP  
23 United States District Judge  
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